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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,876

Applicant(s)

KHUC ET AL.

Examiner

Tri H. Phan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on September 27th, 2007. Claims 1-27 are now pending in the application.

Terminal Disclaimer

2. The terminal disclaimer filed on September 20, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. 6,731,744 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-7, 9-11, 13, 15-16, 20-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by **Doshi et al.** (U.S.5,483; hereinafter refer as '**Doshi**').

- Regarding claim 1, **Doshi** discloses in Figs. 1-7 and in the respective portions of the specification, *a method of operating the telecommunications network, which comprises*

receiving signaling for a voice call (for example see figs. 1 and 6-7; col. 4, lines 23-38);

processing the signaling to generate a query to a call center (for example see fig. 1; col. 4, lines 33-56; wherein the CO 25 generates a call set-up message 'IAM', e.g. "query", and send to the ATM switch 215, e.g. "call center", for setting-up an end-to-end connection between stations);

transmitting the query to the call center (for example see col. 4, lines 33-36);

receiving a query response wherein the query response includes a packet address (for example see col. 10, lines 13-24; wherein the TA receives the control instruction, e.g. "receiving a query response", which comprises the virtual circuit connection such as VCI, VPI values, e.g. "packet address", from the ATM switch to control port connection with the switch fabric as disclosed in col. 7, lines 33-42);

transferring communications for the voice call to the call center in packets wherein the packets include headers having the packet address (for example see col. 6, lines 35-40; col. 7, lines 55-57; col. 9, lines 19-46; where the switch fabric of the ATM switch routes the cell, e.g. "packet", via the virtual circuit connection identified by the VC/VP identifier, e.g. "packet address", in the cell's header).

- In regard to claim 2, 6-7, 9, 16 and 20-22, **Doshi** further discloses method for processing the query to identify the packet address based on *a caller number* ('ANI identifying the calling station') or *a called number* or *caller entered digits* ('the dialed telephone number'; wherein, it is inherently, the "geographic region" is provided in the dialed telephone number) as specified in the call set-up message 'IAM' in col. 4, lines 40-45.

- Regarding claims 10-11, 13, 23-24 and 26, **Doshi** further discloses, wherein the packet address comprises *a port identifier* ('input/output port addresses'; for example see figs. 3-4; col. 7, lines 30-42; col. 10, lines 13-19) or *a hardware address of the device used to receive the call at the call center* or *an ATM address* ('address of the switch'; for example see col. 9, lines 8-9; where the switch is an ATM switch, e.g. "*ATM address*").

- In regard to claim 15, **Doshi** discloses in Figs. 1-7 and in the respective portions of the specification, *a telecommunications system comprising:*

a call processing system ('CO 25, STP 28, EC 205, STM/ATM TA 210' in fig. 1; or related function elements in figs. 6 and 7) *configured to receive signaling for a voice call* (for example see figs. 1 and 6-7; col. 4, lines 23-38), *process the signaling to generate a query to a call center* (for example see fig. 1; col. 4, lines 33-56; wherein the CO 25 generates a call set-up message 'IAM', e.g. "*query*", and send to the ATM switch 215, e.g. "*call center*", for setting-up an end-to-end connection between stations), *transmit the query to the call center* (for example see col. 4, lines 33-36), *and receive a query response wherein the query response includes a packet address* (for example see col. 10, lines 13-24; wherein the TA receives the control instruction, e.g. "*receiving a query response*", which comprises the virtual circuit connection such as VCI, VPI values, e.g. "*packet address*", from the ATM switch to control port connection with the switch fabric as disclosed in col. 7, lines 33-42); *and*

a routing system ('CO 25, EC 205, STM/ATM TA 210, ATM switch 215' in fig. 1; or related function elements in figs. 6 and 7) *configured to transfer communications for the voice*

call to the call center in packets wherein the packets include headers having the packet address (for example see col. 6, lines 35-40; col. 7, lines 55-57; col. 9, lines 19-46; where the TA and switch fabric of the ATM switch routes the cell; e.g. "*packet*", via the virtual circuit connection identified by the VC/VP identifier, e.g. "*packet address*", in the cell's header).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5, 8, 12, 14, 17-19, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Doshi et al.** (U.S. 5,483; hereinafter refer as '**Doshi**').

- Regarding claims 3-5, 8 and 17-19, **Doshi** discloses all the subject matter of the claimed invention as discussed in part 6 above of this office action, including process to identify the packet address based on *a caller number* ('ANI identifying the calling station') or *a called number* or *caller entered digits* or "*geographic region*" ('the dialed telephone number'); but fails to explicitly disclose about "*a time of day*" or "*a day of the week*" or "*a day of the week*" or "*load balancing statistics*" for identify the packet address. However, limitation such as "*a time of day*" or "*a day of the week*" or "*a day of the week*" or "*load balancing statistics*", which uses for

identify the packet address, are just system choices for writing request to query in the program application as needed.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine limitation such as “*a time of day*” or “*a day of the week*” or “*a day of the week*” in the request of the **Doshi**’s call set-up message for the need(s) of the system, such as for billing, tracking call, load balancing, etc.

- In regard to claims 12, 14, 25 and 27, **Doshi** does disclose the “*port identifier*” or the “*ATM address*” in the packet address (wherein it is obvious that, with the assigned VCI/VPI values in the virtual circuit connection and port identified, the ATM switch does not need to translate for switching any more); but fails to explicitly disclose about “*MAC-layer address*”. However, based on the requirement(s) and depend on system design/implementation, it is obvious that “*MAC-layer address*” can be implement in place of “*port identifier*” or “*ATM address*” as choices for the specific and designated system.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement limitation such as “*MAC-layer address*” in the **Doshi**’s connection control instruction as needed in the designed system, such as ISDN, Ethernet, etc.

Response to Arguments

7. Applicant's arguments filed on September 20th, 2007 have been fully considered but they are not persuasive.

Regarding claims 1 and 15, Applicant argues, see REMARKS, pages 6-7, that **Doshi** fails to disclose the steps method for “*receiving a query response wherein the query response includes a packet address*” and “*transferring communications for the voice call to the call center in packets wherein the packets include headers having the packet address*”. Examiner respectfully disagrees. **Doshi** does disclose, in response to the Call set-up message ‘IAM’ (“*query*”), call complete message (“*query response*”) with the selected Trunk and Trunk Group address, which map/translate into VPI/VCI in the ATM cell header (“*packet address*”, see col. 7, lines 28-42), is returned back to switches and original CO, i.e. “*receiving a query response ... includes a packet address*”, in order users communicate via respectively established virtual connections ‘VPI/VCI’ as specified in col. 9, lines 19-46; i.e. “*transferring communications for the voice call ... include headers having the packet address*”.

Claims 2-14 and 16-27 are rejected as in Parts 4 and 6 above of this Office action and by virtue of their dependence from claims 1 and 15.

Conclusion

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tri H. Phan/
November 29, 2007


CHIPHAM
SUPERVISORY PATENT EXAMINER

11/29/07